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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Weston *et al.*
Serial No. : 09/698,903
Filed : October 27, 2000
For : **MALE-STERILE BRASSICA PLANTS AND METHOD FOR
PRODUCING SAME**
Examiner : A. Kubelik
Unit : 1638 ✓

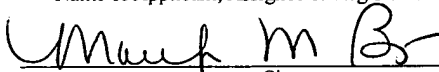
745 Fifth Avenue, New York, NY 10151

**EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 3, 2003.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative


Signature

November 3, 2003

Date of Signature

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AMENDMENT AFTER FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed on July 1, 2003, setting a three-month term for reply.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), a one-month extension of the period for reply, *i.e.*, up to and including November 3, 2003 (as November 1 was a Saturday) is requested. Enclosed is a check in the amount of \$110.00 in payment of the fee under 37 C.F.R. §1.17(a). The Commissioner is hereby authorized to charge any additional required fee for this extension of time or any other fee occasioned by this paper, or credit any overpayment in such fees to Deposit Account No. 50-0320.

The PTO did not receive the following
listed item(s) check \$110. -

IV. THE DOUBLE PATENTING REJECTION IS OVERCOME

Claims 23-32, 34 and 35 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-8 of U.S. Patent No. 6,509,516 ("the '516 patent"). The rejection is traversed; however, in order to expedite prosecution, a Terminal Disclaimer with respect to the '516 patent is attached.

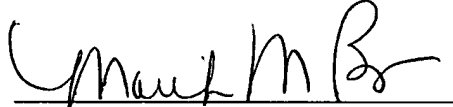
Reconsideration and withdrawal of the double patenting rejection is requested.

CONCLUSION

Applicants believe that the application is in condition for allowance, and favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. Alternatively, consideration and entry of this paper is requested, as it places this application into better condition for purposes of appeal.

Respectfully submitted,

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